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I **Two (2) Google Maps, one (1) Scientific Services Bureau sketch, and four (4) photographs shown to Deputy Jacob during his IAB interview.**

J **Copies of Scientific Services Bureau Laboratory Toxicology Reports, dated August 25, 2017.**

K **One (1) compact disc containing CCTV recordings.**

L **Two (2) compact discs containing Homicide Bureau's recorded interviews.**

M **Two (2) compact discs containing photographs taken by Scientific Services Bureau.**

MISCELLANEOUS DOCUMENTS

Administrative Rights Force/Shooting Investigation forms

Deputy Jacob's POST training records

Deputy Jacob's range qualification records

Copies of United States Postal Service Certified Mail receipts



LOS ANGELES COUNTY DISTRICT ATTORNEY'S OFFICE
BUREAU OF FRAUD AND CORRUPTION PROSECUTIONS
JUSTICE SYSTEM INTEGRITY DIVISION

JACKIE LACEY • District Attorney
JOSEPH P. ESPOSITO • Chief Deputy District Attorney
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JAMES GARRISON • Director

February 5, 2020

Captain Kent Wegener
Los Angeles County Sheriff's Department
Homicide Bureau
1 Cupania Circle
Monterey Park, California 91755

Re: Officer Involved Shooting of Jeremias Lopez
J.S.I.D. File #17-0341
L.A.S.D. File #017-09775-2610-056

Dear Captain Wegener:

The Justice System Integrity Division of the Los Angeles County District Attorney's Office has completed its review of the July 4, 2017, non-fatal shooting of Jeremias Lopez by Los Angeles County Sheriff's Department Deputy Murray Jacob. Our detailed analysis of this incident is contained in the attached memorandum.

Very truly yours,

JACKIE LACEY
District Attorney

Shannon Presby
Head Deputy District Attorney
Justice System Integrity Division

c: Deputy Murray Jacob #[redacted]

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MEMORANDUM

TO: CAPTAIN KENT WEGENER
Los Angeles County Sheriff's Department
Homicide Bureau
1 Cupania Circle
Monterey Park, California 91755

FROM: JUSTICE SYSTEM INTEGRITY DIVISION
Los Angeles County District Attorney's Office

SUBJECT: Officer Involved Shooting of Jeremias Lopez
J.S.I.D. File #17-0341
L.A.S.D. File #017-09775-2610-056

DATE: February 5, 2020

The Justice System Integrity Division of the Los Angeles County District Attorney's Office has completed its review of the July 4, 2017, non-fatal shooting of Jeremias Lopez by Los Angeles County Sheriff's Department (LASD) Deputy Murray Jacob. We have determined that Deputy Jacob acted in lawful self-defense.

The District Attorney's Command Center was notified of this shooting on July 4, 2017, at approximately 3:02 p.m. The District Attorney Response Team responded to the location and was given a briefing and walk-through of the scene.

The following analysis is based on reports, recorded interviews, and photographs submitted to this office by the LASD Homicide Bureau. A voluntary statement by Jacob was also considered as part of this analysis.

FACTUAL ANALYSIS

On Tuesday, July 4, 2017 at 3:55 p.m. LASD Deputy Murray Jacob engaged in a vehicle pursuit, which ended in the non-fatal shooting of Jeremias Lopez, in the City of Palmdale.

Deputy Murray Jacob

Jacob was interviewed on July 4 at approximately 6:00 p.m. He stated he was working a regular day shift, patrolling the streets of Palmdale in a marked black and white patrol vehicle and in full uniform. He was stopped facing southbound on 15th Street East at the intersection with Palmdale Boulevard. As he monitored the traffic on Palmdale Boulevard in order to make a right turn, Jacob observed a sport utility vehicle (SUV) driven by a woman approaching the intersection traveling westbound in the number two lane of Palmdale Boulevard. At the same time, he observed a white Mitsubishi approaching the white SUV from behind in the number one lane at a visually estimated speed of approximately 70 miles per hour. The Mitsubishi passed the SUV,

then pulled in front of it and stopped abruptly. The driver of the SUV applied the brakes forcefully to avoid hitting the Mitsubishi.[1] Jacob saw the male driver of the Mitsubishi, later identified as Jeremias Lopez, look in the direction of the female driver of the SUV and begin yelling unknown obscenities while simultaneously extending his middle finger at her aggressively. The female driver looked "extremely scared." Lopez then looked in the direction of Jacob and extended his middle finger in Jacob's direction as well. Lopez drove away westbound on Palmdale Boulevard and Jacob followed in pursuit, with lights and siren activated.

Lopez did not yield to Jacob. Initially Jacob believed Lopez was looking for a safe place to stop his vehicle, but after temporarily slowing, Lopez turned at a cross street and continued driving. After Jacob activated his air horn several times, in addition to the vehicle's lights and sirens, Lopez turned left into a dirt field and stopped his vehicle a short distance away from a liquor store parking lot. Jacob parked behind Lopez and approached him on foot on the driver's side. Jacob asked him about the earlier traffic incident with the female driver and Lopez replied, "Fuck you, puto!"[2] Lopez began yelling at Jacob in Spanish, and Jacob attempted to calm him. Lopez displayed symptoms of being under the influence of a central nervous stimulant.

At that time, Jacob noticed that the gearshift of the Mitsubishi was in the "drive" position and Lopez' foot was on the brake pedal. He told Lopez verbally and with hand gestures to move the gearshift to the "park" position, but was unsure whether Lopez understood English. Lopez did not comply with Jacob's commands and continued to yell at Jacob in Spanish. Jacob repeated his earlier commands to place the vehicle in "park." Lopez responded by revving the engine, and Jacob warned, "Don't do it!" Lopez suddenly depressed the accelerator, causing the vehicle to spin its wheels on the loose gravel and then quickly move forward, nearly running over Jacob's right foot. Lopez drove in the direction of two pedestrians near the liquor store who jumped out of the way of the Mitsubishi to avoid being struck. Jacob stated that the pedestrians would have been struck had they not run out of the path of the vehicle.[3]

Jacob quickly returned to his vehicle and re-engaged Lopez in a vehicle pursuit. During the ensuing pursuit, Lopez failed to yield to vehicle traffic, causing several drivers to brake forcefully to avoid hitting the Mitsubishi. Lopez drove through stop signs and multiple red lights. Jacob broadcast over his radio that he was in pursuit of a reckless driver, who was driving under the influence of alcohol.[4] Lopez made several turns at intersections and, during one such turn, hit the curb with his rear tire. Lopez finally entered a residential property on the 1600 block of East Avenue Q-10, crossing the driveway and skidding to a stop in the front yard.

Jacob positioned his patrol vehicle directly behind the Mitsubishi, immediately exited and ordered Lopez, at gunpoint, to stay in his vehicle. However, Lopez exited the vehicle and walked toward the residence. As he did so, Jacob observed an unknown shiny metallic object in Lopez' left hand. Jacob noted that Lopez did not run, but rather walked, away from Jacob and

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[1] Both vehicles came to a stop almost directly in front of Jacob's patrol vehicle.
[2] "Puto" is a derogatory term in Spanish for a male prostitute.
[3] The pedestrians were not located after the incident.
[4] Throughout his interview, Jacob told investigators that Lopez manifested behaviors and symptoms consistent with ingestion of both a central nervous stimulant and alcohol. In the radio call he specified the driver appeared to be under the influence of alcohol.

toward the residence.[5] Jacob gave Lopez several commands to stop and get on the ground, but Lopez continued to walk away, looking back toward Jacob multiple times and saying, "Fuck you, puto!" and "Come here, puto!" Jacob perceived the statements as taunts, challenging Jacob to fight. Lopez grabbed and forcefully pulled open the side gate of the residence. Jacob feared Lopez would enter the yard or residence and harm the occupants or take hostages, so he followed Lopez into the side yard.



Figure 1. View from the front yard into the side gated area that Lopez entered. The Mitsubishi driven by Lopez is depicted in the position it was parked at the end of the vehicle pursuit.

After walking into the backyard, Lopez turned to face Jacob, and began making jabbing motions in Jacob's direction with what Jacob then clearly discerned to be a small knife. Jacob commanded Lopez to drop the knife several times, but Lopez did not comply; instead, he responded with profanity and "grunts." Lopez then picked up a long white board with his right hand. From a distance of approximately ten to 15 feet from Jacob, Lopez made two separate lunging motions toward Jacob, which caused Jacob to think to himself, "I might have to shoot this guy." Lopez screamed and ran toward Jacob with both the knife and the board.[6] In fear for his life, Jacob fired one round from his department-issued 9 mm pistol, striking Lopez in the

[5] At a preliminary hearing conducted on October 16, 2017, Jacob testified that Lopez "got out [of the car] very methodically, and he walked away. In my experience, I've never had anybody just walk out of a car after I pursued them, so that made me hypervigilant as to what his actions would be."

[6] Jacob did not describe how Lopez held the knife during the approach, and did not explain what Lopez did with the board after he was injured.

abdomen.[7] Jacob saw Lopez stop and place his hands on his abdomen where he had been struck. As Lopez fell to the ground, he turned partially to his left and threw the knife away from him into an adjacent area. After Lopez fell to the ground, Jacob looked backward and noticed a deputy arriving. "In a matter of seconds," several other deputies arrived, requested medical assistance and rendered medical treatment to Lopez. Jacob was taken to the station soon afterward.

Upon further questioning, Jacob stated he believed Lopez might have been under the influence of an unknown substance because he seemed very agitated throughout the incident. Jacob also stated that, other than the initial brief stop at the liquor store, Lopez neither yielded to Jacob nor obeyed any traffic laws. He showed complete disregard for the safety of pedestrians and drivers, and did not comply with any of Jacob's commands. Jacob was particularly concerned that despite numerous commands at gunpoint, Lopez did not surrender but rather became increasingly aggressive, ultimately charging at Jacob with the knife. At the time Jacob fired his weapon, he feared Lopez was going to "slice" and kill him.[8] Jacob told investigators that he believed he would have been seriously injured or killed had he not shot Lopez.

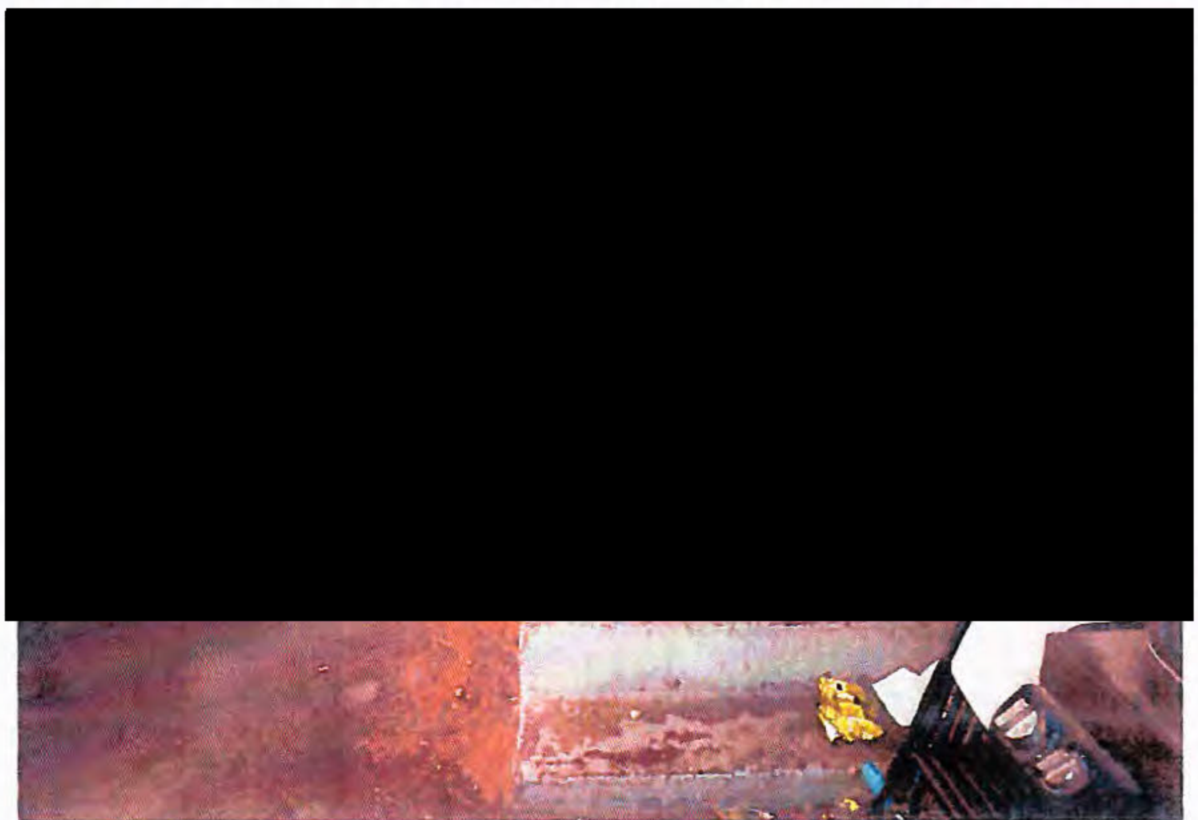
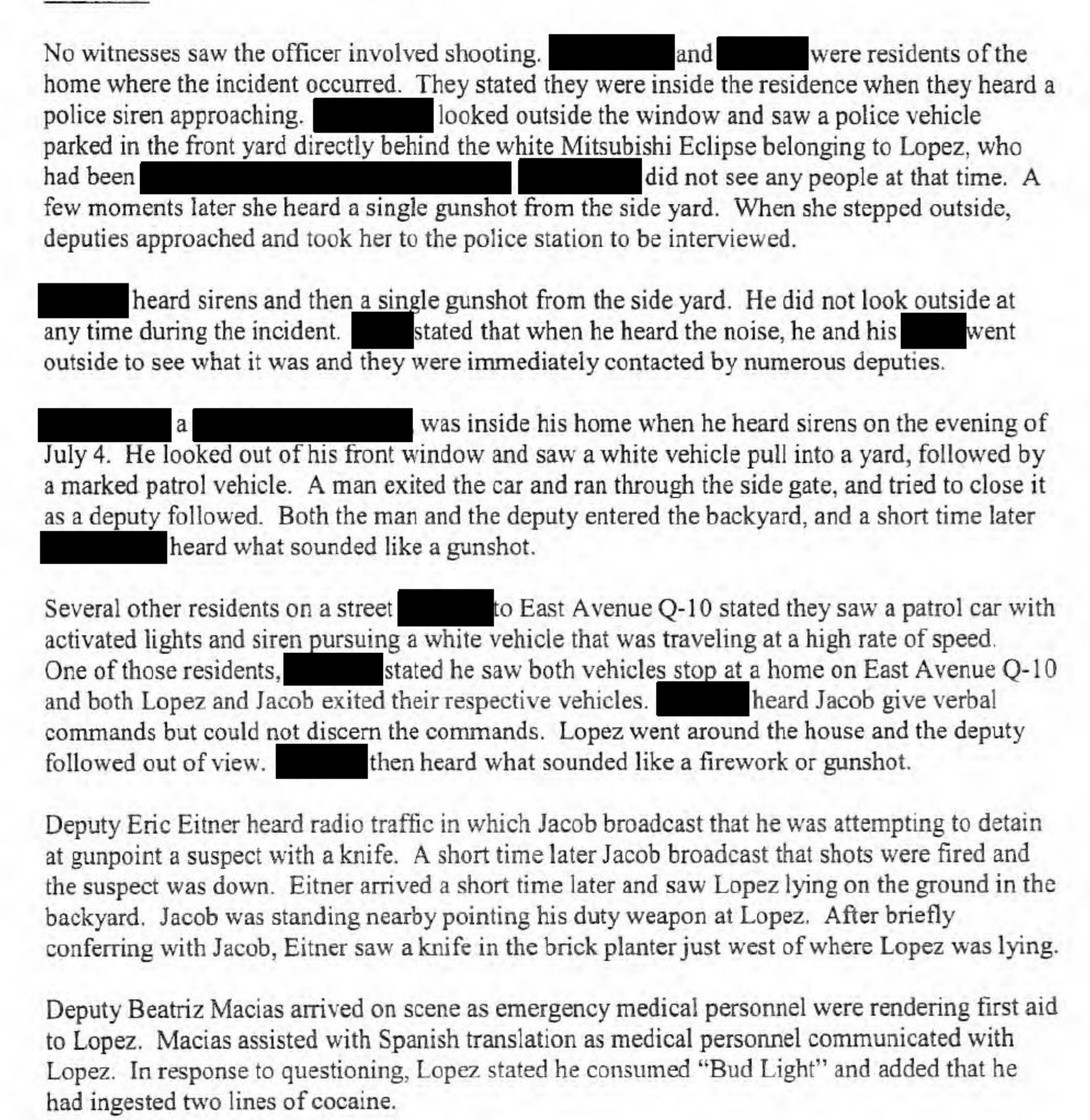


Figure 2. Jacob's perspective in the side yard where the shooting occurred. Lopez was near the far end of the patio covering when he was struck. A single 9 mm shell casing was found near the barbecue grill.

[7] Jacob estimated that Lopez had taken two to three steps toward Jacob from his original position, and was eight to ten feet away when Jacob fired his weapon.

[8] Jacob recalled training exercises demonstrating that an individual with a knife in similar circumstances can close the distance between himself and a deputy very quickly.



Witnesses

No witnesses saw the officer involved shooting. [redacted] and [redacted] were residents of the home where the incident occurred. They stated they were inside the residence when they heard a police siren approaching. [redacted] looked outside the window and saw a police vehicle parked in the front yard directly behind the white Mitsubishi Eclipse belonging to Lopez, who had been [redacted] [redacted] did not see any people at that time. A few moments later she heard a single gunshot from the side yard. When she stepped outside, deputies approached and took her to the police station to be interviewed.

[redacted] heard sirens and then a single gunshot from the side yard. He did not look outside at any time during the incident. [redacted] stated that when he heard the noise, he and his [redacted] went outside to see what it was and they were immediately contacted by numerous deputies.

[redacted] a [redacted] was inside his home when he heard sirens on the evening of July 4. He looked out of his front window and saw a white vehicle pull into a yard, followed by a marked patrol vehicle. A man exited the car and ran through the side gate, and tried to close it as a deputy followed. Both the man and the deputy entered the backyard, and a short time later [redacted] heard what sounded like a gunshot.

Several other residents on a street [redacted] to East Avenue Q-10 stated they saw a patrol car with activated lights and siren pursuing a white vehicle that was traveling at a high rate of speed. One of those residents, [redacted] stated he saw both vehicles stop at a home on East Avenue Q-10 and both Lopez and Jacob exited their respective vehicles. [redacted] heard Jacob give verbal commands but could not discern the commands. Lopez went around the house and the deputy followed out of view. [redacted] then heard what sounded like a firework or gunshot.

Deputy Eric Eitner heard radio traffic in which Jacob broadcast that he was attempting to detain at gunpoint a suspect with a knife. A short time later Jacob broadcast that shots were fired and the suspect was down. Eitner arrived a short time later and saw Lopez lying on the ground in the backyard. Jacob was standing nearby pointing his duty weapon at Lopez. After briefly conferring with Jacob, Eitner saw a knife in the brick planter just west of where Lopez was lying.

Deputy Beatriz Macias arrived on scene as emergency medical personnel were rendering first aid to Lopez. Macias assisted with Spanish translation as medical personnel communicated with Lopez. In response to questioning, Lopez stated he consumed "Bud Light" and added that he had ingested two lines of cocaine.

Video Evidence

Jacob was equipped with body worn video (BWV) equipment at the time of incident. However, he did not activate his BWV during the incident.[9]

[9] Jacob was not questioned further on the subject and did not explain why he did not activate his BWV.

Surveillance video from the liquor store depicts Lopez accelerating away from Jacob. It does not depict the distance of the vehicle from Jacob's body as it drives away and does not show the area where the pedestrians were almost struck by Lopez' vehicle.

Crime Scene and Ballistics Evidence

A single 9 mm expended cartridge case was recovered from the side yard of the residence. It was located on the ground immediately adjacent to a barbecue grill. A white wood plank measuring three and a half inches wide and 65 inches long was recovered from the patio area of the backyard. A "USA Saber" stainless steel folding knife was found in the locked-open position in a brick planter adjacent to the patio area.



Figure 3. View of side yard from the backyard facing the open gate. The wood plank is seen in the foreground and the small knife was located near the folded chair in the brick planter.



Figure 4. Knife blade visible in the brick planter, adjacent to Lopez' position after the shooting.

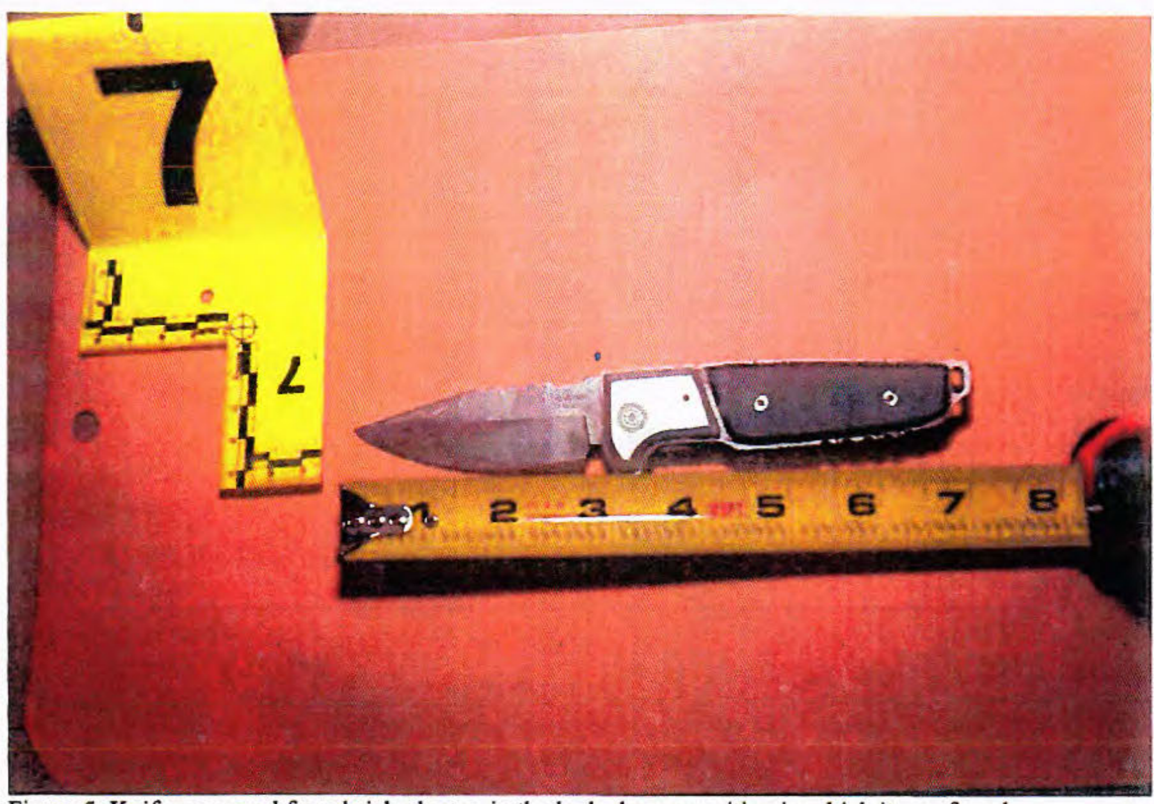


Figure 5. Knife recovered from brick planter, in the locked open position in which it was found.

A Smith & Wesson 9 mm semiautomatic pistol was recovered from Jacob during his interview. It contained one live round in the chamber and 16 live rounds in the attached magazine.[10] The cartridge rounds matched the cartridge case found at the scene.

The knife recovered in the planter was swabbed for evidence. DNA samples obtained from the knife handle were compared with a reference sample obtained from Lopez. It was determined that the DNA profile from the knife sample matched the profile obtained from Lopez.

Medical Treatment and Toxicology

Deputies and emergency medical personnel tended to a gunshot wound to Lopez' left abdominal area. Lopez was treated at a local hospital for the wound and survived his injury.[11]

Additionally, a blood sample was taken from Lopez shortly after the incident. A laboratory examination determined the blood alcohol concentration of the sample to be .08%. Cocaine and amphetamine were also found to be present in the blood sample.

Criminal Filing on Lopez and Jail Call

For the July 4 incident involving Jacob, Lopez was charged with multiple criminal counts, including felony assault on a peace officer. In a negotiated disposition, Lopez pled "no contest" to one felony count of assault on a peace officer and one misdemeanor count of driving under the influence.[12]

In a jail call placed September 9, 2017, Lopez described the circumstances of the shooting to an unidentified caller. Lopez stated he began walking into the residence after fleeing from Jacob when he realized he had left the house key in the car. As he turned back to the car he told Jacob he was going to retrieve the key, but there was miscommunication due to a language barrier. Lopez took a step toward the deputy with the car keys in his hand and the deputy shot him. The deputy wrote in the report that Lopez had a bright object in his hands, but Lopez alleged it was his car keys.[13] Lopez explained that the only knife he had at the time was a small knife attached to his keychain.

LEGAL ANALYSIS

In civil actions alleging Fourth Amendment violations by police officers, the courts have employed an objective standard of reasonableness in evaluating a police officer's use of deadly force. "The 'reasonableness' of a particular use of force must be judged from the perspective of a reasonable officer on the scene, rather than the 20/20 vision of hindsight.... The calculus of reasonableness must embody allowance for the fact that police officers are often forced to make

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[10] With a magazine capacity of 17 rounds, the round count was consistent with the expenditure of one round.
[11] Investigators were unable to immediately interview Lopez due to his surgery, and criminal charges were filed against Lopez seven days later on July 11, 2017. Lopez did not testify at the preliminary hearing.
[12] The remaining counts of assault with a deadly weapon on the pedestrians and evading a police officer were dismissed pursuant to the terms of the disposition.
[13] Reports documenting evidence and crime scene photographs do not indicate keys or a keychain in the area of the shooting.

split-second judgments—in circumstances that are tense, uncertain, and rapidly evolving—about the amount of force that is necessary in a particular situation." Graham v. Connor (1989) 490 U.S. 386, 396-397.

In California, the evaluation of the reasonableness of a police officer's use of deadly force employs the standard of a reasonable person acting as a police officer. People v. Mehserle (2012) 206 Cal.App.4th 1125, 1146 (holding that California law "follows the objective 'reasonable person' standard—the trier of fact is required to evaluate the conduct of a reasonable person in the defendant's position [citations omitted] . . . the jury should consider all relevant circumstances surrounding the defendant's conduct. This enables the jury to evaluate the conduct of a reasonable person functioning as a police officer in a stressful situation—but this is not the same as following a special 'reasonable police officer' standard.")

Where the peril is swift and imminent and the necessity for action immediate, the law does not weigh in too nice scales the conduct of the assailed and say he shall not be justified in killing because he might have resorted to other means to secure his safety. People v. Collins (1961) 189 Cal.App.2d 575. Rather, the right to employ deadly force in self-defense or in the defense of another exists if the person claiming the right actually and reasonably believed that he or another was in imminent danger of great bodily injury or death. People v. Randle (2005) 35 Cal.4th 987, 994; People v. Mercer (1962) 210 Cal.App.2d 153, 161.

In protecting himself or another, a person may use that amount of force which he believes reasonably necessary and which would appear to a reasonable person, in the same or similar circumstances, to be necessary to prevent imminent injury. CALCRIM No. 505.

In this case, witness accounts and video evidence corroborate Jacob's statement that Lopez fled in his vehicle at a high rate of speed as Jacob pursued him. A witness also confirmed that after the vehicles stopped in the front yard, Jacob gave commands to Lopez but Lopez walked away into the side yard. Jacob broadcast over the radio that he was attempting to detain a suspect with a knife, just moments prior to a broadcast in which Jacob stated a deputy involved shooting had occurred.

At the scene, a knife matching Jacob's description and containing Lopez' DNA, as well as a wood plank, were found near Lopez. The gunshot wound to Lopez' abdomen was consistent with Jacob's account. The foregoing circumstances and evidence were confirmed by deputies who arrived as Jacob was still holding Lopez at gunpoint. immediately after the shooting.

Based upon the circumstances confronting him, it was reasonable for Jacob to believe that Lopez was extremely dangerous and posed a risk of significant harm to him. Lopez' dangerousness was initially manifested in his agitation and aggression toward the driver of the SUV, followed by his gesture toward Jacob, who was in a clearly marked police vehicle. Lopez refused to yield to Jacob who pursued with lights and sirens. Lopez stopped briefly, only to drive away rapidly once Jacob was on foot, just missing Jacob's foot and almost striking two pedestrians. Lopez then drove with flagrant disregard for the safety of other drivers and recklessly collided with a curb during a turning maneuver.

Once stopped in front of the residence, Jacob held Lopez at gunpoint and ordered him to remain in the vehicle. He exited the Mitsubishi and walked toward the residence, ignoring Jacob's commands and supporting Jacob's belief that he was dangerous. It was reasonable for Jacob to fear imminent harm to occupants who might be inside and he continued issuing commands to Lopez. Lopez responded by challenging Jacob, saying, "Fuck you, puto!" and "Come on, puto!" It was at that time that Lopez jabbed toward Jacob with the knife. Lopez grabbed an additional object, grunted, and lurched in Jacob's direction twice. Lopez screamed and, with knife still in hand, took two steps toward Jacob. When Jacob discharged his weapon, Lopez was approximately eight to ten feet away. The bloodstain marking where Lopez fell, the position of the shell casing, and the location of the wood plank and knife all support Jacob's account.

Based upon the evidence presented, Jacob actually and reasonably believed Lopez posed an imminent threat of great bodily injury or death. Under these circumstances, we determine that he acted in lawful self-defense.

CONCLUSION

Based on all the available evidence and the foregoing analysis, we are closing our file and will take no further action in this matter.